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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,042	02/08/2008	John Thomas Flanagan	FAKS/0003	9420
26290 7590 02/10/2011 PATTERSON & SHERIDAN, I.L.P. 3040 POST OAK BOULEVARD SUITE 1500 HOUSTON, TX 77056			EXAMINER GEBREMICHAEL, BRUK A	
			ART UNIT 3715	PAPER NUMBER
			MAIL DATE 02/10/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/566,042

Applicant(s)

FLANAGAN, JOHN THOMAS

Examiner

BRUK A. GEBREMICAHEL

Art Unit

3715

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-942)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date 01/26/2006, 08/20/2007, 08/22/2008, 03/05/2010
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 1-39 are objected to because of the following informalities: the term "behaviour" in the above claims (e.g. claims 1 and 21; and also dependent claims reciting the term) is believed to be a typographical error for -- behavior --. Appropriate correction is required.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

- Based upon consideration of all of the relevant factors with respect to the claim as a whole, claims 21-39 are held to claim an abstract idea, and are therefore rejected as ineligible subject matter under 35 U.S.C. 101. The rationale for this finding is explained below:

In order for a claimed process to be considered statutory it must be direct to more than an abstract idea. Evidence that the process is not an abstract idea can be found if the process is: (1) tied to a particular machine or apparatus, or (2) transform a particular article into a different state or thing.

The use of a specific machine or transformation of an article must impose meaningful limits on the claim's scope to impart patent-eligibility; the involvement of the machine or transformation in the claimed process must not merely be insignificant extra-solution activity; and the transformation must be central to the purpose of the claimed process.

For instance, independent claim 21 recites "storing information related to the pursuit of the behavior by the entity in a storage means"; however, this limitation does not positively recite any statutory element (such as a machine) to implement the method step. In addition, the storage means is recited as an insignificant extra-solution activity (such for data collecting or storing purpose only).

Claim Rejections - 35 USC § 112

3. Claims 1-39 invoke 35 U.S.C. 112, sixth paragraph according to the means or step plus function requirement, since the following claimed limitations are described in terms of their function, not their mechanical structure.

Thus, claim element(s) "an identification means for identifying the entity", "a storage means . . . for storing information related to the pursuit of the behavior by the entity", as recited in claim 1; and "an identification means identifying the entity" and the "storing information . . . in a storage means" as recited in claim 21 are means plus function limitations that invoke 35 U.S.C. 112, sixth paragraph.

Accordingly, the limitation "an identification means for identifying the entity" appears to correspond to the electronic wallet described in Applicant's disclosure (e.g. page 9, lines 7-10); and the limitation "a storage means . . . for storing information related to the pursuit of the behavior by the entity" appears to correspond to the database (local database) described in the specification (e.g. page 13, lines 17-18).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- Claims 1-11, 13-29 and 31-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson 2001/0031663 in view of Bronkema 2004/0247748.

Regarding claim 1, Johnson discloses the following claimed limitations: a system for facilitating responsible behaviour by an entity (Para.0005), said system comprising an identification means for identifying the entity (Para.0015), a facility for verifying the identification means and facilitating pursuit of the behaviour (Para.0018), a storage means coupled to be in communication with the facility for storing information related to the pursuit of the behaviour by the entity (Para.0017, lines 1-21).

Johnson further implicitly discloses, a modeler module for comparing the information related to the pursuit of the behaviour by the entity with a behaviour model (Para.0016).

Johnson does not explicitly disclose, the modeler determining a category of behaviour of the entity.

However, Bronkema discloses an analytic tool and method for adaptive behavior modification that teaches, a modeler determining a category of behaviour of the entity (Para.0085 and Para.0093, lines 13-31).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention was made, to modify the invention of Johnson in view of Bronkema by incorporating data analyzing scheme into the system in order to evaluate and compare the user's data (information) with various behavioral patterns stored in the

system so that the system would effectively determine a behavior pattern that best describes the user, and generate appropriate guidance or instruction to help the user overcome or control his/her undesired behavior.

Regarding claims 2 and 3, Johnson in view of Bronkema teaches the claimed limitations as discussed above.

Bronkema further teaches, the behaviour model describes one or more categories of the behaviour (Para.0093, lines 13-18); the modeler module compares the information related to the pursuit of the behaviour by the entity with a model describing earlier behaviour of the entity (Para.0093, lines 13-18 and Para.0134, lines 6-17).

Therefore, as already indicated above with respect to claim 1, it would have been obvious to one of ordinary skill in the art, at the time of the invention was made, to modify the invention of Johnson in view of Bronkema by incorporating data analyzing scheme into the system in order to evaluate and compare the user's data (information) with various behavioral patterns stored in the system so that the system would effectively determine a behavior pattern that best describes the user, and generate appropriate guidance or instruction to help the user overcome or control his/her undesired behavior.

Regarding claim 4, Johnson in view of Bronkema teaches the claimed limitations as discussed above.

Johnson further implicitly discloses, the modeler module compares the information related to the pursuit of the behaviour by the entity with a model describing behaviour of a distribution of other entities (Para.0011, lines 13-20).

Regarding claim 5, Johnson in view of Bronkema teaches the claimed limitations as discussed above.

Bronkema further teaches, the behaviour model comprises one or more criteria related to the behaviour (Para.0133, lines 12-26).

Therefore, as already indicated above with respect to claim 1, it would have been obvious to one of ordinary skill in the art, at the time of the invention was made, to modify the invention of Johnson in view of Bronkema by incorporating various set of rules (criteria) into the system wherein each set of rule defines a particular behavior pattern, in order to enhance the system's capacity to efficiently and accurately identify the type of behavior a given individual is experiencing (by comparing the user's behavior with the set of rules stored in the system); thereby making the system more effective and dependable to recognize a type of behavior.

Regarding claim 6, Johnson in view of Bronkema teaches the claimed limitations as discussed above.

Bronkema further teaches, the criteria include one or more of: an acceleration criterion, a chasing losses criterion, a frequency criterion, a duration criterion, an inter-behaviour criterion, an income proportion criterion, an age criterion, a sex criterion, an override criterion, a disposable income criterion, a proportion of time spent employed criterion (Para.0133, lines 1-15).

Therefore, here also, it would have been obvious to one of ordinary skill in the art, at the time of the invention was made, to modify the invention of Johnson in view of Bronkema by incorporating various set of rules (criteria) into the system wherein each

set of rule defines a particular behavior pattern, in order to enhance the system's capacity to efficiently and accurately identify the type of behavior a given individual is experiencing (by comparing the user's behavior with the set of rules stored in the system); thereby making the system more effective and dependable to recognize a type of behavior.

Regarding claims 7 and 8, Johnson in view of Bronkema teaches the claimed limitations as discussed above.

Johnson further discloses: the modeler module considers whether any limits, blocks, triggers and/or exclusions related to the entity have been activated (Para.0013, lines 15-22); the modeler module considers whether any limits, blocks, triggers and/or exclusions related to the entity have been overridden or have been attempted to be overridden by the entity (Para.0017, lines 1-14).

Bronkema further teaches a modeler determining the category of behaviour of an entity (Para.0133, lines 12-26).

Therefore, as already indicated above with respect to claim 1, it would have been obvious to one of ordinary skill in the art, at the time of the invention was made, to modify the invention of Johnson in view of Bronkema by incorporating various set of rules (criteria) into the system wherein each set of rule defines a particular behavior pattern, in order to enhance the system's capacity to efficiently and accurately identify the type of behavior a given individual is experiencing (by comparing the user's behavior with the set of rules stored in the system); thereby making the system more effective and dependable to recognize a type of behavior.

Regarding claim 9, Johnson in view of Bronkema teaches the claimed limitations as discussed above.

Johnson further discloses, the modeler module attributes a different weight to the entity overriding a limit, trigger, block and/or exclusion generated by the behaviour model than to the entity overriding a self-imposed limit, trigger, block and/or exclusion (Para.0017, lines 1-14).

Note that even if the reference does not explicitly state, for example, the modeler module attributes a different weight to the entity overriding a limit, one of ordinary skilled in the art (at the time of the claimed invention was made) would readily recognize the fact from the teaching of the reference that when the user enters his/her preferred limit amount instead of accepting the suggested limit by the system (i.e. overriding the system's limit), it is obvious that the user's new value would have a different weight (e.g. different amount) compared to the system's suggested value.

Johnson in view of Bronkema teaches the claimed limitations as discussed above. Johnson further discloses:

Regarding claim 10, a resolver module for checking whether limits, blocks or triggers related to the entity have been activated (Para.0026, lines 11-16),

Regarding claim 11, in response to the activation of one or more limits, blocks or triggers related to the entity, a targeted message is sent to the entity (see Para.0026, lines 16-20),

Regarding claim 13, in response to the activation of one or more limits, blocks or triggers related to the entity, the resolver module initiates a change to one or more operating parameters of the facility (Para.0026, lines 24-28),

Regarding claim 14, the changes to one or more operating parameters of the facility include: preventing pursuit of the behaviour, periodically preventing pursuit of the behaviour, limiting a maximum monetary amount spent for each pursuit of the behaviour, limiting a maximum length of time the behaviour can be pursued, limiting a number of times the behaviour can be pursued simultaneously, limiting a number of times the behaviour can be pursued consecutively, reducing the speed at which the behaviour can be pursued (Para.0026, lines 24-28),

Regarding claim 15, the behaviour is gambling and the changes to one or more operating parameters include: preventing play, periodically preventing play, limiting a maximum monetary amount gambled per play, limiting a maximum length of time gambling can be pursued, limiting a number of games played simultaneously, limiting a number of games played consecutively, limiting a number of lines or hands or spins or throws of play, reducing the speed at which games are played (Para.0013, lines 1-22 and Para.0026, lines 24-28),

Regarding claim 16, a referrer module for updating information stored in relation to an entity where the entity has been referred for assistance in relation to their behaviour (Para.0026, lines 28-34),

Regarding claim 17, a reporter module for generating reports about the pursuit of the behaviour of an entity (Para.0026, lines 28-31),

Regarding claim 18, the identification means stores only a unique identifier for identifying the entity and no other information relating to the entity (Para.0015, lines 1-7 and Para.0018, lines 1-8),

Regarding claims 19 and 20, funds required to pursue the behaviour are stored electronically by the storage means; the identification means electronically stores funds required to pursue the behaviour (Para.0017, lines 1-21 and Para.0024).

Regarding claim 21, Johnson discloses the following claimed limitations: a method for facilitating responsible behaviour by an entity (Para.0005), said method including the steps of verifying an identification means identifying the entity (Para.0015), facilitating pursuit of the behaviour via a facility (Para.0018), storing information related to the pursuit of the behaviour by the entity in a storage means coupled to be in communication with the facility (see Para.0017, lines 1-21).

Johnson further implicitly discloses, comparing the information related to the pursuit of the behaviour by the entity with a behaviour model (Para.0016).

Johnson does not explicitly disclose, determining a category of behaviour of the entity.

However, Bronkema discloses an analytic tool and method for adaptive behavior modification that teaches, a scheme for determining a category of behaviour of the entity (Para.0085 and Para.0093, lines 13-31).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention was made, to modify the invention of Johnson in view of Bronkema by incorporating data analyzing scheme into the system in order to evaluate and

compare the user's data (information) with various behavioral patterns stored in the system so that the system would effectively determine a behavior pattern that best describes the user, and generate appropriate guidance or instruction to help the user overcome or control his/her undesired behavior.

Regarding claim 22, Johnson in view of Bronkema teaches the claimed limitations as discussed above.

Bronkema further discloses, the step of comparing includes comparing the information related to the pursuit of the behaviour by the entity with a model describing earlier behaviour of the entity (Para.0093, lines 13-18 and Para.0134, lines 6-17).

Therefore, as already indicated above with respect to claim 21, it would have been obvious to one of ordinary skill in the art, at the time of the invention was made, to modify the invention of Johnson in view of Bronkema by incorporating data analyzing scheme into the system in order to evaluate and compare the user's data (information) with various behavioral patterns stored in the system so that the system would effectively determine a behavior pattern that best describes the user, and generate appropriate guidance or instruction to help the user overcome or control his/her undesired behavior.

Regarding claim 23, Johnson in view of Bronkema teaches the claimed limitations as discussed above.

Johnson further implicitly discloses, the step of comparing includes comparing the information related to the pursuit of the behaviour by the entity with a model describing behaviour of a distribution of other entities (Para.0011, lines 13-20).

Regarding claims 24 and 25, Johnson in view of Bronkema teaches the claimed limitations as discussed above.

Bronkema further teaches, comparing the information related to the pursuit of the behaviour by the entity with one or more criteria related to the behaviour (Para.0133, lines 12-26); the criteria include one or more of: an acceleration criterion, a chasing losses criterion, a frequency criterion, a duration criterion, an inter-behaviour criterion, an income proportion criterion, an age criterion, a sex criterion, an override criterion, a disposable income criterion, a proportion of time spent employed criterion (see Para.0133, lines 1-15).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention was made, to modify the invention of Johnson in view of Bronkema by incorporating various set of rules (criteria) into the system wherein each set of rule defines a particular behavior pattern, in order to enhance the system's capacity to efficiently and accurately identify the type of behavior a given individual is experiencing (by comparing the user's behavior with the set of rules stored in the system); thereby making the system more effective and dependable to recognize a type of behavior.

Johnson in view of Bronkema teaches the claimed limitations as discussed above. Johnson further discloses:

Regarding claim 26, the step of determining includes considering whether any limits, blocks, triggers and/or exclusions related to the entity have been activated (Para.0013, lines 15-22),

Regarding claim 27, the step of determining includes considering whether any limits, blocks, triggers and/or exclusions related to the entity have been overridden or have been attempted to be overridden (Para.0017, lines 1-14),

Regarding claim 28, attributing a different weight to the entity overriding a limit, trigger, block and/or exclusion generated by the behaviour model than a weight attributed to the entity overriding a self-imposed limit, trigger, block and/or exclusion (Para.0017, lines 1-14).

Note that (as already indicated above with respect to claim 9) even if the reference does not explicitly state, for example, the modeler module attributes a different weight to the entity overriding a limit, one of ordinary skilled in the art (at the time of the claimed invention was made) would readily recognize the fact from the teaching of the reference that when the user enters his/her preferred limit amount instead of accepting the suggested limit by the system (i.e. overriding the system's limit), it is obvious that the user's new value would have a different weight (e.g. different amount) compared to the system's suggested value.

Johnson in view of Bronkema teaches the claimed limitations as discussed above. Johnson further discloses:

Regarding claim 29, sending a targeted message to the entity in response to the activation of one or more limits, blocks and/or triggers related to the entity (Para.0026, lines 16-20),

Regarding claim 31, the step of initiating a change to one or more operating parameters of the facility in response to the activation of one or more limits, blocks and/or triggers related to the entity (Para.0026, lines 24-28),

Regarding claim 32, the changes to one or more operating parameters of the facility include: preventing pursuit of the behaviour, periodically preventing pursuit of the behaviour, limiting a maximum monetary amount spent for each pursuit of the behaviour, limiting a maximum length of time the behaviour can be pursued, limiting a number of times the behaviour can be pursued simultaneously, limiting a number of times the behaviour can be pursued consecutively, reducing the speed at which the behaviour can be pursued (Para.0026, lines 24-28),

Regarding claim 33, the behaviour is gambling and the changes to one or more operating parameters of the facility include: preventing play, periodically preventing play, limiting a maximum monetary amount gambled per play, limiting a maximum length of time the gambling can be pursued, limiting a number of games played simultaneously, limiting a number of games played consecutively, limiting a number of lines or hands or spins or throws of play, reducing the speed at which games are played (Para.0013, lines 1-22 and Para.0026, lines 24-28),

Regarding claim 34, the step of referring the entity for assistance in relation to their behaviour (Para.0026, lines 28-34),

Regarding claim 35, the entity is referred for assistance following categorization of the behaviour of the entity as being at risk behaviour, problem behaviour or compulsive/addictive behaviour or a sub- category thereof (Para.0013, lines 1-6 and Para.0026, lines 28-34),

Regarding claim 36, the step of generating reports about the pursuit of the behaviour of an entity (Para.0026, lines 28-31),

Regarding claim 37, the step of the identification means storing only a unique identifier for identifying the entity and no other information relating to the entity (Para.0015, lines 1-7 and Para.0018, lines 1-8),

Regarding claims 38 and 39, the step of storing money electronically in the storage means for pursuit of the behaviour (Para.0017, lines 1-21 and Para.0024).

- Claims 12 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson 2001/0031663 in view of Bronkema 2004/0247748 and further in view of Walker 2003/0003983.

Regarding claim 12 and 30, Johnson in view of Bronkema teaches the claimed limitations as discussed above.

Johnson in view of Bronkema does not explicitly teach, a targeted message being one or more of: an electronic message sent to the facility, an SMS message sent to a portable communication device of the entity, an email sent to an email address of the entity, mail sent to a mailing address of the entity, a verbal message delivered in person to the entity.

However, Walker discloses, systems and methods for facilitating play of a casino game that teaches, sending a targeted message to an entity where in the targeted message is one or more of: an electronic message sent to the facility, an SMS message sent to a portable communication device of the entity, an email sent to an email address of the entity, mail sent to a mailing address of the entity, a verbal message delivered in person to the entity (Para.0086).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention was made, to modify the invention of Johnson in view of Bronkema and further in view of Walker by sending an electronic alert message to the user, such as an alert message via email regarding, for example, the amount of fund left in the user's account to play additional games in order to help the user evaluate his/her capacity before participating in any additional games; thereby giving the user ample time to organize his/her priorities in advance.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruk A. Gebremichael whose telephone number is (571) 270-3079. The examiner can normally be reached on Monday to Friday (7:30AM-5:00PM) ALT. Friday OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bruk A Gebremichael/
Examiner, Art Unit 3715

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